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April 7, 2023

File No. 40982.40

**VIA ECF**

Honorable Lorna G. Schofield  
U.S. District Court  
Southern District of New York  
40 Centre Street  
New York, NY 10007

Re: McKoy, et al. v. The Trump Corp., et al.  
Case No. 18-cv-09936(LGS)(SLC)

Dear Judge Schofield:

We write on behalf of Defendants in the above-referenced action, pursuant to Rule I.D.3 of your Honor's Individual Practices, to respectfully request provisional approval to file under seal an unredacted version of Defendants' memorandum of law and my declaration being submitted in opposition to Plaintiffs' Motion for Class Certification. The opposition papers refer to information found in and quote from, and provide copies of, multiple documents and transcripts that have been designated as "Confidential" by Defendants and by Plaintiffs under Paragraph 3 of the operative Protective Order entered on September 10, 2019. See ECF 112.

In accordance with Paragraph 16 of the Protective Order, which incorporates by reference section I.D.3 of Your Honor's Individual Rules, Plaintiffs will provisionally file the unredacted documents under seal and provisionally redact references to the information designated as Confidential in the version of the papers being filed publicly on the docket. This is consistent with Plaintiffs having filed portions of their Motion for Class Certification in the same fashion and having sought leave of Court to do so by letter dated March 10, 2023. See ECF 529.. The sealed and redacted information is consistent with the sealing and redactions by Plaintiffs, which Defendants advised was largely appropriate via my letter to the Court dated March 17, 2023. See ECF 544.

The specific exhibits being filed under seal are Exhibits A through T to my declaration, comprised of the following: as Exhibits A to C, excerpts from the depositions of plaintiffs Lynn Chadwick, Markus Frazier, and Catherine McKoy and one exhibit thereto), as Exhibit D excerpts from the deposition of former plaintiff Millard Williams, as Exhibit E excerpts from the deposition

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of non-party Jessica Howard, as Exhibit F excerpts from the deposition of non-party Robert Merriman, the 30(b)(6) witness for ACN, Inc., as Exhibit G excerpts from the deposition of defendants Donald J. Trump, as Exhibit H excerpts from the deposition of Donald J. Trump, Jr., as Exhibit I excerpts from the deposition of Eric Trump, as Exhibit J excerpts from the deposition of Ivanka Trump, as Exhibit K through N the declarations of non-parties Al Plumb, Angelique Davis, John Barringer and Devonne Richardson, as Exhibits O through Q excerpts from the three Plaintiffs' responses to defendants' requests for admissions, as Exhibit R and S excerpts from the reports of Defendants' experts Robert Peterson and Isabella Cunningham, and finally as Exhibit T the declaration of Defendants' expert Joseph F. Hair, Jr. and the exhibit thereto which is his expert report.

The attorneys who should have access to the sealed documents are all attorneys of record representing plaintiffs with the firms of Kaplan, Hecker & Fink, LLP and Emery Celli Brinckerhoff Abady Ward & Maazel LLP and all attorneys representing defendants with my firm and co-counsel Robert & Robert and Alina Habba. We can identify the specific attorneys if required.

Thank you for your attention to this matter.

Respectfully,

/s/Peter T. Shapiro

Peter T. Shapiro of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

PTS:mf